



Diana Becton

District Attorney

Report of the Law Enforcement Involved Fatal Incident of Tyrell Wilson on March 11, 2021

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Privacy Statement

This report includes redactions of the names and other identifying information of victims, witnesses, and family members. Specific addresses are also not provided in this report. The public interest in such information is limited as it is not necessary to gain an understanding of the incident. Thus, the interest in nondisclosure clearly outweighs any public interest in disclosure.

For reasons related to privacy, as well as the readability of this report, the victims and witnesses will be indexed as follows:

- Witness 1 (W-1), father of Tyrell Wilson
- Witness 2 (W-2), owner of Tesla, which captured video of the fatal shooting
- Witness 3 (W-3), observed rock throwing and called 911
- Witness 4 (W-4), provided video of the fatal incident

Executive Summary

On March 11, 2021, at approximately 11:45 am, the California Highway Patrol Dispatch Center and the Contra Costa County Sheriff's Office (CCCSO) Dispatch Center¹ received multiple calls from motorists of a subject throwing rocks from the Interstate 680 overpass on Sycamore Valley Road. Danville Police Officers were dispatched to the area to check for the subject.

Deputy Andrew Hall arrived at the scene and saw a subject, later identified as Tyrell Wilson, who matched the description provided by dispatch. Tyrell Wilson was walking northbound on the east sidewalk of Camino Ramon, which was east of Interstate 680.

Deputy Hall exited his patrol vehicle and approached Tyrell Wilson. Tyrell Wilson started walking northbound in the northbound lanes of Camino Ramon. Deputy Hall called to Tyrell Wilson and asked him to come to his location, on the southeast corner of the intersection. Tyrell Wilson continued walking northwest into the center of the intersection and away from Deputy Hall.

Tyrell Wilson asked Deputy Hall, "Who are you!?" Deputy Hall told Tyrell Wilson he was jaywalking, to which Tyrell Wilson responded, "What Country is this?" Deputy Hall radioed for cover and told Tyrell Wilson to, "Come here, Come here." Tyrell Wilson responded by stating, "No, no," as he continued to walk away.

Deputy Hall told Tyrell Wilson, "We are not playing this game" and Tyrell Wilson responded by stating, "I don't want to play this game either!" Tyrell Wilson then turned and faced Deputy Hall. Tyrell Wilson, who was carrying a grocery bag in his left hand, took his right hand out of his jacket pocket and placed it by his right side. In Tyrell Wilson's right hand was a folding knife with a locking blade.

Deputy Hall told Tyrell Wilson he was jaywalking and throwing rocks, to which Tyrell Wilson responds, "Who are you?" Deputy Hall responded, "I am Officer Hall of the Danville Police Department!" Tyrell Wilson replied, "Yeah, from where? Authority of what? Authority of what?" Tyrell Wilson then stated, "No. Don't fucking touch me!" Tyrell Wilson then began to step backwards and away from Deputy Hall as he flicked open the knife in his right hand. Tyrell Wilson took approximately 5-6 steps back and away from Deputy Hall, with his knife in his hand and while stating, "Touch me and see what's up. Touch me and see what's up."

In response, Deputy Hall drew his firearm, pointed it at Tyrell Wilson and ordered him to, "Drop the knife." Tyrell Wilson responded, "No." Deputy Hall ordered Tyrell Wilson again to "Drop the knife," as Tyrell Wilson took a step towards Deputy Hall, who was approximately 5-7 feet away. Tyrell Wilson told Deputy Hall, "Kill me," as he raised his knife up to his own chest, looked up into the sky, and took an additional one-to-two steps towards Deputy Hall. Deputy Hall took approximately three (3) steps backwards and away from Tyrell Wilson as Tyrell Wilson walked toward him.

¹ The CCCSO has a contract with the Town of Danville to provide police services. Danville Police Officers are actually Deputy Sheriff's with the CCCSO.

Deputy Hall ordered Tyrell Wilson to drop the knife a third time, and then shot him once with his firearm. Tyrell Wilson was struck in the head and collapsed to the ground. Tyrell Wilson was later transported to John Muir Medical Center by ambulance, where he succumbed to his injuries. On March 13, 2021 at 1149 hours, Tyrell Wilson was pronounced dead by Dr. Terence Chen.

In applying the law and the California District Attorney's Uniform Crime Charging Standards, there are two reasonable conclusions a juror may reach in determining whether Deputy Hall acted in lawful self-defense: one that points to guilt and another that points to innocence. Under the law, a jury must adopt the conclusion that point to innocence, and as such, there is insufficient evidence to prove beyond a reasonable doubt that Deputy Andrew Hall is criminally liable for his actions in this case.

Introduction

This report is the final step in the CCCDAO investigation of the Danville Police Department's law enforcement involved fatal incident (LEIFI) of Tyrell Wilson on March 11th, 2021, in Danville, Ca.

The CCCDAO and every law enforcement agency in Contra Costa County follow the Law Enforcement Involved Fatal Incident Protocol ("the Protocol")² to investigate incidents when officers or civilians are shot, killed, or die during an encounter with law enforcement. Under the Protocol, the CCCDAO investigates all in-custody deaths in Contra Costa County for the purpose of making an independent determination of criminal liability. The sole purpose of the District Attorney investigation is to determine if there is proof beyond a reasonable doubt that an individual involved in the law enforcement involved fatality committed a crime.

Pursuant to the Protocol, immediately after the incident in question, the involved law enforcement agency is required to notify the appropriate district attorney personnel. Once notified, trained and experienced members of the District Attorney's Office respond to the scene and begin the criminal investigation. In addition, criminal investigators from the law enforcement agency involved in the incident and from the jurisdiction where the incident occurred, if different, respond to the scene as well. It is important to note that although these investigations happen simultaneously, each agency conducts its own independent investigation.

As part of the criminal investigation, law enforcement officers and civilians who witnessed the incident may be interviewed, evidence is collected at the scene and may be submitted to the county crime lab for testing and analysis, in addition to any other relevant investigative work necessary to complete the investigation. The Contra Costa County Sheriff's Office Crime Lab responds to every incident and is responsible for evidence collection.

² Contra Costa County was one of the first counties in the country to adopt a fatal incident protocol between the District Attorney and the law enforcement agencies within the county. The complete LEIFI protocol document can be located on the Contra Costa County District Attorney's Office website.

During the course of the criminal investigation, an officer or deputy has the right to be represented by an attorney. They may voluntarily choose to provide a statement, physical evidence, or other relevant information during the criminal and administrative investigations. Under the law, neither an officer nor civilian can be compelled to give a statement as part of a law enforcement agency administrative investigation only. (See, Public Safety Officers Procedural Bill of Rights Act, Government Code Sections 3300 et seq.). In accordance with the law, the CCCDAO does not participate in compelled administrative investigation interviews and does not review them as part of the independent criminal investigation. There are very narrow circumstances where an exception to this rule is allowed.

Independent of the CCCDAO and in accordance with the Protocol, the Coroner's Division of the CCCSO conducts a Coroner's Inquest following most deaths that involve law enforcement personnel or law enforcement operations or activities within Contra Costa County.

The Coroner's Inquest is open to the public, conducted by a hearing officer (a private attorney hired by the Coroner's Division) and is held in front of a jury of citizens randomly selected from the Contra Costa County Superior Court jury pool. During the inquest, the hearing officer questions witnesses, and additional evidence may be presented. After hearing all of the evidence, the role of the jury is to decide whether the death was by (1) natural causes, (2) suicide, (3) accident, or (4) at the hands of another person other than by accident (i.e. homicide). The jury's decision has no legal bearing on the civil or criminal investigations or liability of any person(s) involved in the incident.

In the present case, the Coroner's Inquest occurred on July 22nd, 2022. At the conclusion of the hearing, the jury found the death of Tyrell Wilson was, "at the hands of another, other than by accident."

Investigation³

Overview

On March 11, 2021, at approximately 1230 hours Senior Inspector Holcombe was monitoring CCCSO Dispatch (Channel 2) when he heard the radio traffic regarding Danville Police Department invoking the Protocol. He notified Chief Paul Mulligan, who in turn notified Assistant Chief Arnold Threets and Lieutenant John Conaty, who then assembled the team of senior inspectors who would be investigating this incident.

When the CCCDAO investigative team arrived, the scene was being physically contained by members of the Danville Police Department and the CCCSO. The scene of the incident was cordoned off with crime scene tape to aid in the preservation of physical evidence. Members of the CCCSO Forensics Division were on scene photographing and documenting the scene and collecting evidence.

After walking through the crime scene and reviewing the associated evidence, the CCCDAO investigative team went to Danville Police Department to be briefed. A joint briefing was held with Danville Police Department and CCCSO personnel to give an overview of the incident to ensure everyone with an active role in the investigation had the same information before further steps were taken in the investigation. Chief Shields led the briefing, gave an overview of the incident, and played relevant portions of the body-worn camera footage of the involved officers.

After the briefing, Lieutenant Conaty assigned each of the CCCDAO senior inspectors different tasks. The investigative assignments were as follows:

- Senior Inspector Fraser Ritchie – Interview Deputy Hall, Deputy Lang, and Sergeant Stapleton.
- Senior Inspector Dave Ishikawa – Contact WILSON’s family members.
- Senior Inspector John Garcia – Assigned to document the Crime Scene with Fingerprint Examiner Fong from the Contra Costa County Sheriff’s Office.
- Senior Inspectors Darryl Holcombe – Interview witnesses that were on scene.
- Senior Inspector Dave Mathers – Assigned to interview Deputy Barbero, and Deputy Dutcher, as they had followed WILSON in the ambulance to John Muir Medical Center.

Consistent with the Protocol, each senior inspector was accompanied by a CCCSO detective when performing the assigned investigative tasks. The officers involved in the incident were interviewed separately and were represented by an attorney after having been sequestered.

Once the scene was processed and all the interviews were completed, the next steps in the investigation were to await the formal autopsy results and the Coroner’s Inquest hearing.

³ Sections of the “Investigation” section of this report were taken from excerpts of the CCCDAO Investigative report authored by CCCDAO Senior Inspector Fraser Ritchie.

Overall, the CCCDAO investigation of the officer-involved shooting of Tyrell WILSON was comprehensive, thorough, objective, and independent.

Involved Law Enforcement Personnel:

Actor - Deputy Andrew Hall
Chief A. Shields
Lieutenant Jason Ingrassia
Sergeant Stapleton
Deputy James Lang
Deputy Barbero
Deputy C. Dutcher

Investigative Team:

Contra Costa County District Attorney's Office
Assistant Chief A. Threets
Acting Lieutenant J. Conaty
Senior Inspector D. Ishikawa
Senior Inspector J. Garcia
Senior Inspector D. Mathers
Senior Inspector D. Holcombe

Contra Costa County Sheriff's Office
Sergeant G. Shiro
Detective J. Melen
Detective J. Jackson
Detective Z. Williams
Detective M. Ingersoll
Detective D. Wells

Contra Costa County Crime Lab:

Fingerprint Examiner J. Fong

Contra Costa County Coroner's Office:

Dr. I. Ogan
Asst. B. Ward

San Ramon Valley Fire District – Station #31

M. Bueno - Paramedic #P36051
R. Smith - Paramedic #P33533
B. Haynie - Paramedic #P40065
A. Romero -Paramedic

Evidence Reviewed

The CCCDAO obtained and reviewed the following evidence and information regarding this incident:

- CCCSO and CCCDAO reports
- The crime scene, located at the intersection of Sycamore Valley Road and Camino Ramon
- Computer Aided Dispatch (CAD) records of the incident
- Dispatch radio traffic prior / during / after incident
- Body Worn Camera (BWC) footage from the officer involved and responding officers
- Camera footage from a witnesses' vehicle onboard camera system
- Camera footage from Town of Danville owned pole camera
- Interviews with all officers involved in the incident
- Interviews of witnesses associated with this incident
- Autopsy of Tyrell Richard WILSON
- Peace Officer Use of Force Expert Opinions/Reports
- The CCCDAO case file and record of conviction of the People v. Andrew Hall, Docket 01-195930-3
- Coroner's Inquest dated 7/22/2022

Scene Description

This protocol incident occurred in the intersection of Sycamore Valley Road and Camino Ramon in Danville, CA on March 11, 2021, at 1148 hours. Sycamore Valley Road is an east west asphaltic roadway with standard 6" cement curbs. The eastbound and westbound lanes are separated by a raised cement median on both sides of the intersection. There are three (3) eastbound lanes, a designated left turn lane, and a designated right turn only lane. There are four (4) westbound lanes and a designated left turn only lane. Camino Ramon is a north south asphaltic roadway with standard 6" cement curbs. On the south side of the intersection there is a cement median separating the north and southbound lanes. There is no median on the north side of the intersection. Camino Ramon has one (1) lane for southbound traffic and two (2) lanes for north bound to westbound traffic and a single lane for northbound traffic. On the north side of the intersection is a roadway that leads to a cul-de-sac, which is used as a rideshare parking lot, and bus stop.

This incident occurred in the #1 and #2 lanes of westbound Sycamore Valley Road, as it intersects with the south bound lane of Camino Ramon. There was physical evidence located in both lanes, to include WILSON's clothing, shoes, and backpack that were removed from WILSON'S person, by Deputy Hall, Deputy Lang and medical staff. A folding knife with the blade exposed, was also located in the traffic lane at the scene. The knife had a black handle with yellow metal at the butt end, and a black blade. The blade was 3" in length, and the knife had an overall length of 8". There was also medical debris scattered throughout the scene. A single .40 caliber casing was also located, in the traffic lane, at the scene.

Investigators obtained an Engineering and Traffic Survey from the Town of Danville for the intersection of Sycamore Valley Road and Camino Ramon. Investigators received two surveys, Sycamore Valley Road / Camino Ramon – east to Greenbrook Drive (Survey #1) and Sycamore Valley Road / San Ramon Valley Boulevard to Camino Ramon (Survey #2). Survey #1 was dated July 10, 2020, and it showed the survey date range from January 1, 2014 to December 31, 2019 (6 years). The intersection was classified as a major arterial roadway, with an average 27,286 vehicles per day. There were 40 collisions reported, with 22 of them being injury accidents in the listed period. None of them were listed as fatal. The survey also showed the speed limit for the roadway is 45 miles per hour (MPH) and 85% of the vehicles travel at an average of 47.1 MPH.

Survey #2 was dated August 27, 2020, with the same date range as Survey #1. The survey was also classified as a major arterial roadway, with an average 27,556 vehicles per day. The posted speed limit is 35 MPH and 85% of the vehicles traveling at an average of 39.6 MPH. There were 54 collisions reported, with 21 of them reported as injury accidents. None of them were listed as fatal.



Drone photography of Sycamore Valley Road at Camino Ramon (east to west orientation)



Drone photograph of Sycamore Valley Road at Camino Ramon (west to east orientation)



Drone photograph of evidence at Sycamore Valley Road and Camino Ramon



Photo of clothing and items at the scene



Photo of folding knife at the scene

Evidence Recovery

The evidence at the crime scene was located at the intersection of Sycamore Valley Road and Camino Ramon. Evidence recovery, scene, and autopsy documentation were done by the Contra Costa County Sheriff's Office, Crime Lab. Information, physical evidence, and photographs collected from the scene and autopsy to complete their investigation, will be included in their report.

Evidence:

1. Knife with red stains. – folding knife with the blade exposed was located in the traffic lane at the scene. The knife had a black handle with yellow metal at the butt end and a black blade. The blade was 3" in length and the knife had an overall length of 8".
2. Clothing – (2) pants (blue sweatpants, camouflage sweatpants) and (1) pair of shorts, and one pair of Fila brand, sized 10, tennis shoes.
3. Two (2) rocks from pool of blood in street at scene, in traffic lane.
4. Two (2) copper bullet jacket fragments from scene, in traffic lane.
5. One (1) rock, "SMOK" vaping device and lighter from right front pocket of blue sweatpants.
6. One fired cartridge case head stamped "WIN 40 S&W."
7. Knife blade (no handle), found at north edge of Sycamore Valley Road and Camino Ramon, appears uninvolved in the incident. This item was located 40' – 50' north/east of where WILSON fell in the intersection at the time of the incident.

Factual Summary:

On March 11, 2021, at approximately 1145 hours the California Highway Patrol Dispatch Center and Danville Police Department (Contra Costa County Sheriff's Dispatch) received several calls from motorists of a subject throwing rocks onto the north bound and south bound lanes of Interstate 680, from the Sycamore Valley Road overpass in Danville. Several Danville Police Officers were dispatched to the area to check for the subject.

Deputy Lang contacted a subject on San Ramon Valley Boulevard near Sycamore Valley Road, west of Interstate 680. After a brief conversation with the subject Deputy Lang determined the subject was not involved in the call for service and he was released.

Moments later Deputy Hall, dressed in full police uniform and driving a fully marked police vehicle, observed a subject, later identified as WILSON, matching the description given by dispatch, walking northbound on the east sidewalk of Camino Ramon, which was east of Interstate 680.

As Deputy Hall was turning south onto Camino Ramon, WILSON looked directly at Deputy Hall and continued walking northbound. Deputy Hall made a U-turn and drove past WILSON, as there was no safe area to park his patrol vehicle. Deputy Hall turned east onto Sycamore Valley Road at Camino Ramon and pulled to the south curb, east of the intersection.

Deputy Hall exited his patrol vehicle and observed WILSON look directly at him. WILSON started walking northbound in the northbound lanes of traffic on Camino Ramon. Deputy Hall called to WILSON and requested he come to his location, on the southeast corner of the intersection. WILSON continued walking northwest into the center of the intersection. WILSON asked Deputy Hall, "Who are you!?" Deputy Hall told WILSON he was jaywalking, to which WILSON responded, "What Country is this?" Deputy Hall radioed for cover and told WILSON to, "Come here, Come here." WILSON responded by stating, "No, no" as he continued to walk away.

Deputy Hall told WILSON, "We are not playing this game" and WILSON responded by stating, "I don't want to play this game either!" WILSON then turned and faced Deputy Hall. WILSON, who was carrying a grocery bag in his left hand, took his right hand out of his jacket pocket and placed it by his right side. In Tyrell Wilson's right hand was a folding knife with locking blade.

Deputy Hall told WILSON he was jaywalking and throwing rocks, to which WILSON responds, "Who are you?" Deputy Hall responded, "I am Officer Hall of the Danville Police Department!" WILSON replied, "Yeah from where? Authority of what? Authority of what?" WILSON then stated, "No. Don't fucking touch me!" WILSON then began to step backwards and away from Deputy Hall as he flicked open a knife in his right hand. WILSON took approximately 5-6 steps back and away from Deputy Hall, with his knife in his hand and while stating, "Touch me and see what's up. Touch me and see what's up."

In response, Deputy Hall drew his firearm, pointed it at WILSON and ordered him to, "Drop the knife." WILSON responded, "No." Deputy Hall ordered WILSON again to "Drop the knife," as WILSON took a step towards Deputy Hall, who was approximately 5-7 feet away. WILSON told Deputy Hall, "Kill me," as he raised his knife up to his own chest, looked up into the sky, and took an additional one-to-two steps towards Deputy Hall. Deputy Hall took approximately three (3) steps backwards and away from WILSON as WILSON walked toward him.

Deputy Hall ordered WILSON to drop the knife a third time, and then shot WILSON once with his firearm. WILSON was struck in the head and collapsed to the ground. WILSON was later transported to a hospital, where he succumbed to his injuries.

Camera footage

There were numerous types of camera footage of this incident, to include BWC, vehicular camera system (Tesla), and Danville pole camera footage of the intersection.

The members of the Danville Police Department Patrol and Traffic Divisions are provided with BWC and the vehicles are equipped with dash cameras⁴.

Deputy Hall's BWC:

Deputy Hall was wearing a BWC (Axon Body 3 X60324566) at the time of this incident and activated it prior to arriving on scene and exiting his vehicle. The entire interaction between Deputy Hall and WILSON was captured on his BWC.

The timeline of key moments in the interaction between Deputy Hall and WILSON are referenced below:

12:07:27 – BWC activated, recording starts.

12:07:49 – Deputy Hall exits his patrol vehicle.

12:08:03 – Deputy Hall made verbal contact with WILSON.

12:08:15 – Deputy Hall requests cover.

12:08:29 – WILSON locks open the blade on the knife in his right hand.

12:08:32 – Deputy Hall drew his firearm, pointed it at WILSON and shouted “drop the knife” three times. WILSON took approximately two steps towards Deputy Hall.

12:08:34 – Deputy Hall fired one shot from his handgun at WILSON.

12:14:05 – Deputy Hall turned off his BWC, recording ends.

The following is the transcription of Deputy Hall's interaction with WILSON as recorded by his BWC:

Hall: Hey, buddy. Come here for me real quick. Come here - come here...

WILSON: No.

Hall: Come here.

WILSON: Who are you? Who are you?

⁴ In his voluntary statement Deputy Hall said that he didn't activate his dash camera because his vehicle wasn't parked in a location where it would've captured the incident.

Hall: You're jaywalkin' now.

WILSON: Who are you?

Hall: Get over here.

WILSON: What country is this?

Hall: Tom 1, I need cover. Come here.

WILSON: No.

Hall: Come here.

WILSON: No.

Hall: We're not playin' this game, dude.

WILSON: Why would I play this game either?

Hall: You're jaywalking. You're throwing rocks.

WILSON: Okay. Who – who are you?

Hall: Officer Hall of the Danville Police.

WILSON: Yeah from where? Authority of what?

Hall: Come over here.

WILSON: Authority of what?

Hall: Come on over here.

WILSON: No don't fuckin' touch me.

Hall: Dude, come on.

WILSON: Touch me and see what's up – touch me and see what's up.

Hall: Drop the knife.

WILSON: No.

Hall: Drop the knife.

WILSON: Kill me.

Hall: Drop the knife. Tom 1, shots fired. Tom 1, suspect down, Code 3 medical,

Hall (cont'd): Camino Ramon, Sycamore Valley I need all additional units.

Deputy Lang's BWC:

Deputy Lang's BWC depicted the following:

12:00:57 – BWC activated, recording starts.

12:01:36 – Deputy Lang detained an uninvolved subject at San Ramon Valley Boulevard and Sycamore Valley Road.

12:03:53 – Deputy Lang turned off his BWC, recording ends.

12:08:29 – BWC activated, recording starts.

12:09:44 – Deputy Lang exits his vehicle on scene with Deputy Hall.

12:10:09 – Deputy Lang removes a knife from WILSON's right hand.

12:10:40 – Deputy Lang checks WILSON for additional weapons and conducts a medical assessment of him.

Deputy Barbero and Deputy Dutcher's BWC:

Documents them collecting and searching WILSON's clothing at John Muir Medical Center. The deputies recover several rocks from the pockets of WILSON's clothing.

Witness 2 [W-2] Vehicle (Tesla) footage:

Sr. Inspector Holcombe retrieved three (3) one minute video segments from W-2's vehicle camera system. The videos have no time stamp; however, the date of 3/11/2021 is in the upper left-hand corner of the video. The first shows W-2's vehicle traveling westbound on Sycamore Valley Road in the #4 lane and coming to a stop (red light) at the intersection of Camino Ramon. As W-2's vehicle is traveling toward the intersection, Deputy Hall's patrol vehicle is seen parked on the south curb line of Sycamore Valley Road, just east of Camino Ramon. W-2's video recorded the interaction between Deputy Hall and WILSON, including the application of deadly force, from a north to south perspective.

The second video starts just after the first video ended, it shows W-2 moving her vehicle in front of westbound traffic on the south side of the intersection, and then exiting her vehicle and contacting Deputy Hall in the intersection.

The third video shows Deputy Lang arriving on scene. The video footage is consistent with Deputy Hall's BWC and the Town of Danville pole camera.

Town of Danville pole camera:

The camera is affixed to the traffic/street light pole located on the southeast corner of the intersection. The camera is pointed in a north westerly direction and displays the northern most limit line for the crosswalk on the south side of the intersection, and a view of eastbound and westbound traffic, west of the intersection. The camera system is stamped with the correct date (3/11/2021); however, the time is fast by approximately five (5) minutes.

The pole camera recorded the interaction between Deputy Hall and WILSON, including the application of deadly force. The video footage is consistent with Deputy Hall's body camera video and W-2's vehicle camera footage.

CAD/Radio Traffic Timeline

On March 11, 2021, at 11:48:06 hours the CCCSO Dispatch Center received a call from a person advising of a subject throwing rocks onto Interstate 680 from the Sycamore Valley Road overpass. The following are excerpts from the CAD log from the CCCSO Dispatch Center, which provides dispatch services for the Danville Police Department:

11:50:14 The subject was described as Black Male Adult (BMA), mid 20's, wearing a black hoodie and black sweats.

11:52:08 A second caller advised the subject also had a multi-colored backpack and was walking westbound on Sycamore Valley Road towards San Ramon Valley Boulevard.

11:55:06 The original caller called back and advised the subject was walking from Sycamore Valley Road onto Camino Ramon towards San Ramon (southbound).

11:56:43 Deputy Hall (call sign 21T1) advised dispatch he would be responding to the call for service.

11:58:45 Deputy Lang (call sign 21M5) advised dispatch he would also be enroute to the call for service.

12:01:13 Deputy Lang advised he was out with a possible subject at Sycamore Valley Road and San Ramon Valley Road.

12:02:41 Deputy Lang conducted a warrant check on a subject he had detained.

12:05:20 Deputy Lang clears the call for service, indicating the subject he had detained was not the person who had been throwing the rocks.

12:05:30 Deputy Hall advised dispatch he was contacting a subject, later identified as WILSON, at Sycamore Valley Road and Camino Ramon. Deputy Hall parked his patrol vehicle #046, along the south curb of Sycamore Valley Road just east of Camino Ramon. Deputy Hall also requested a cover unit.

12:08:30 Dispatch misunderstood Deputy Hall's request for cover and incorrectly broadcasted that Deputy Hall did not need cover.

12:08:51 Deputy Hall broadcasted, "Shot's Fired!" via his portable radio.

12:09:02 Deputy Hall requested Code 3 (lights and siren) cover and medical, for a subject down.

12:09:27 Deputy Lang arrives on scene.

12:13:24 Fire Department personnel arrive on scene.

12:20:23 Lieutenant Jason Ingrassia invokes LEIFI Protocol.

Investigators obtained the dispatch radio traffic of the incident from the Contra Costa County Sheriff's Dispatch⁵. The following content is from the recording:

00:01 Dispatch broadcasts the call of a subject throwing rocks onto Interstate 680 from the Sycamore Valley Road overpass.

00:06 Deputy Hall (21T1) advised dispatch he would respond to the call for service.

00:15 Dispatch provided a description of the subject: Black male (BMA mid 20's) wearing a black hoodie and black sweats. Subject was last seen walking westbound on Sycamore Valley Road.

00:40 Dispatch advised of a second caller, who advised they were color blind; however, observed a subject wearing a blue outfit and carrying a pink or gray backpack. The caller advised the subject, that was throwing rocks, was at Sycamore Valley Road walking towards San Ramon Valley Boulevard.

01:01 Dispatch advised of a third caller, later found to be the original caller, stating the subject was walking on Camino Ramon (southbound) from Sycamore Valley Road.

02:21 Dispatch advised Deputy Lang (21M5) was in the area of Sycamore Valley Road and Interstate 680.

04:29 Deputy Lang advised he was contacting a subject at Sycamore Valley Road and San Ramon Valley Boulevard.

05:56 Deputy Lang conducted a warrant check on a subject.

⁵The recording is 15 minutes 31 seconds in length and contains no time stamps. The times listed represent the time they appeared on the recording as it's played, not clock time.

06:38 Dispatch advised Deputy Lang the subject was clear of warrants.

06:41 Deputy Lang advised dispatch he was code 4 (no cover needed) the subject was not involved in the original call for service.

09:00 Dispatch advised Deputy Lang was 10-8 (clear from the call).

09:09 Dispatch advised Deputy Hall was on scene and code 4 (no cover needed).

11:24 Deputy Hall advised he was out with a subject (WILSON) at Sycamore Valley Road and Camino Ramon.

11:45 Dispatch asked, "a unit to cover 21T1?"

11:47 Deputy Hall requested cover "Tom 1 (21T1) I need cover!"

11:48 Dispatch "Don't need cover!" (This was the misunderstanding between Deputy Hall's broadcast for cover, and dispatch advising Deputy Hall stating he didn't need cover).

11:55 Deputy Jennifer Yen "Ida 13 (1X13) I'm enroute."

11:58 Dispatch "He advised he didn't need cover."

12:10 Deputy Hall advised "Shots Fired!"

12:13 Dispatch "Shots Fired Code 33 (radio silence for emergency transmission)!"

12:20 Dispatch "Which units with Shots Fired?"

12:23 Deputy Hall "Tom 1 (21T1) suspect down code 3 (lights and siren) medical Camino Ramon and Sycamore Valley!"

12:28 Deputy Hall "I need all additional units!"

12:32 Multiple units advised they are enroute to the scene.

13:45 Dispatch "T1 can they (medical personnel) come straight in, or do they need to stage?"

13:46 Deputy Hall "Come straight in!"

14:24 Deputy Yen (1X13) on scene.

15:30 end of recording.

Interviews of Involved Officers

Deputy Andrew Hall

Michael Rains – Legal Counsel for Deputy Hall

Interviewers: Senior Inspector Ritchie and Detective Melen

March 16, 2021

On March 16, 2021, at approximately 1627 hours Detective Melen and Senior Inspector Ritchie interviewed Deputy Hall at the CCCSO Field Operations Building in Martinez. Deputy Hall's legal counsel, Mr. Rains, was present for the interview. Deputy Hall advised he was voluntarily giving a statement. Deputy Hall advised he had not spoken with anyone, except Mr. Rains, regarding the incident. Deputy Hall also said he had not viewed any BWC or vehicular camera footage, prior to being interviewed.

Deputy Hall stated he has a bachelor's degree in Criminology and Criminal Justice from Sonoma State University, he also has a master's degree in Emergency Management from Arizona State University. Deputy Hall said he was hired by the Contra Costa County Sheriff's Department in 2013 and attended and completed the 27-week Contra Costa County Sheriff's Academy. Deputy Hall stated he had no law enforcement or military training prior to being hired as a sheriff's deputy.

Deputy Hall said he is currently assigned to the Danville Police Department in the traffic division and had been for the past (3) three years. Deputy Hall said he has completed basic (one week), intermediate (two week) and advanced (two week) traffic collision training courses. Deputy Hall also attended a two-week accident reconstruction training course, along with a one-week automobile vs. pedestrian accident training course. Deputy Hall stated his primary duties are to respond to traffic collisions and proactively enforce the vehicle code. Deputy Hall added he is assigned as back up for other officers on calls for service. Deputy Hall stated he is a member of the county's accident reconstruction team.

Deputy Hall stated he began his workday on March 11, 2021, at 0540 hours, and it would have concluded at 1900 hours. Deputy Hall stated he got (7) seven hours of sleep the night prior to his shift. He also consumed a beer with dinner on March 10, 2021. Deputy Hall said he did not ingest any alcohol or narcotics, prescription or otherwise, prior to his shift on March 11, 2021. Deputy Hall said he was wearing a fully marked uniform, with Danville Police Department patches on either arm. He was wearing a ballistic vest carrier, and duty belt. Deputy Hall described the equipment on his duty belt to include the following: Sig Sauer P226 40 caliber handgun (Serial #U758 973), a taser and holster, and two (2) fully loaded magazines. Deputy Hall added all of his equipment was department issued. Deputy Hall said on his vest carrier he had the following: Axon brand BWC, badge (Danville Police Department), an embroidered name tag (A. Hall), handcuffs, a collapsible baton, a canister of pepper spray, a radio, and a pocketknife, which was kept behind the baton on the vest. Deputy Hall said the knife has a folding blade, which is black as is the handle.

Deputy Hall said he attends range training twice a year per department policy. He said his last range qualification was in the fall of 2020; however, he could not recall the exact date.

Deputy Hall said he also attended Crisis Intervention training per department policy in 2020 as part of the department's "Advanced Officer's Training."

Deputy Hall said on March 11, 2021, he left the department around noon and observed a call for service on his vehicle computer, at Interstate 680 and the Sycamore Valley Road overpass. The call was for a subject throwing rocks onto the freeway, a violation of California Vehicle Code (CVC) 23110. Deputy Hall advised dispatch he would respond to the call. Deputy Hall said he was aware that 23110 CVC was a felony if the object being thrown can cause great bodily injury, otherwise it's a misdemeanor. Deputy Hall said as he was on the way to the area, he heard Deputy Lang contact a subject west of the freeway on San Ramon Valley Boulevard. Deputy Hall said one of the callers stated the subject went west from the overpass, another caller stated the subject went eastbound from the overpass. Deputy Hall stated he heard Deputy Lang clear from his pedestrian stop and advise the subject he stopped was not involved.

Deputy Hall said when he arrived in the area, he went eastbound on Sycamore Valley Road. Deputy Hall said as he was turning south onto Camino Ramon, which is east of the freeway, he observed WILSON on the east sidewalk of Camino Ramon, walking northbound. Deputy Hall said WILSON matched the description in the call, of a black male wearing dark clothing with a backpack. Deputy Hall said as he turned, he observed WILSON look directly at him, and then look away. Deputy Hall said he passed WILSON's location and made a U-turn. Deputy Hall said he drove north on Camino Ramon and drove past WILSON and turned east onto Sycamore Valley Road, as there was no safe area to pull over on Camino Ramon. Deputy Hall said he pulled over next to the south curb of Sycamore Valley Road and exited his patrol vehicle to contact WILSON.

Deputy Hall said as he approached the intersection, he observed WILSON continuing to walk northbound on the east sidewalk. Deputy Hall said as WILSON observed Deputy Hall walking towards him, WILSON stepped off of the east curb and began walking in a north westerly direction into the intersection. Deputy Hall believed if WILSON was allowed to walk into traffic he could get hit by a vehicle and be seriously injured. Deputy Hall said he entered traffic behind WILSON and gave him commands to return to the sidewalk, so he could have a conversation with WILSON and allow vehicular traffic to flow.

Deputy Hall said he yelled for WILSON to stop and come to his location; however, WILSON did not heed Deputy Hall's directions. Deputy Hall said he followed WILSON into the intersection and continued to try and get him to move towards the sidewalk. Deputy Hall said he advised dispatch that he needed a cover unit.

Deputy Hall said WILSON yelled at him "Who are you!" Deputy Hall said, "I am Officer Hall of the Danville Police Department!" Deputy Hall said WILSON made several other statements; however, he could not recall what he said. Deputy Hall said he had his right arm extended and was pointing towards the northeast curb trying to get WILSON to get out of the roadway, due to the vehicular traffic. Deputy Hall stated as he was trying to get WILSON to cooperate and move out of the roadway; however, WILSON continued to walk in a north westerly direction into the intersection. Deputy Hall said he walked faster than WILSON was walking and got within 5'-6' of WILSON, when WILSON turned and removed his right hand from his jacket pocket.

Deputy Hall said he heard a “metallic clicking” sound, coming from the area of WILSON’s right hand, and immediately recognized the noise as a knife blade being snapped open. Deputy Hall said he looked towards WILSON’s right hand and observed the open blade of the knife in WILSON’s right hand. Deputy Hall said he immediately withdrew his department issued handgun from his holster, and simultaneously started rapidly walking backwards. Deputy Hall said he yelled at WILSON several times to drop the knife; however, WILSON pulled the knife up near his chest, exposing the blade towards Deputy Hall.

Deputy Hall stated he was in fear for his life, as he knew there was vehicular traffic behind him, and WILSON was approaching him with an exposed knife blade. Deputy Hall stated he knew from his training and experience he needed to immediately stop WILSON as a threat, so he acquired a sight picture on the front sight of his weapon and discharged his weapon one time toward WILSON’s head. Deputy Hall said he observed WILSON was struck in the face, and he immediately collapsed to the ground. Deputy Hall stated he notified dispatch of shots fired and requested immediate medical assistance. Deputy Hall said he continued to point his weapon toward WILSON, as WILSON was still holding the knife in his right hand. Deputy Hall said a female, later identified as witness W-2, contacted him and said she was an off-duty police officer. Deputy Hall told W-2 to direct traffic, as the traffic was quite heavy, and it was a very busy intersection. Deputy Hall said he heard a motorist yelling and screaming at him “Why did you shoot him!?” Deputy Hall said he did not feel it was appropriate to holster his weapon and render aid due to the hostile yelling. Deputy Hall stated a few moments or so later, Deputy Lang arrived on the scene. Deputy Hall stated he and Deputy Lang attempted to render aid to WILSON, until the medical staff arrived. Deputy Hall said he and Deputy Lang placed WILSON on his side in a recovery position as WILSON was bleeding profusely from his face. Deputy Hall stated Deputy Lang searched WILSON’s pockets for other possible weapons, and also for other possible injuries. Deputy Hall said he told Deputy Lang he discharged his weapon one time. Deputy Hall said after other deputies arrived, along with medical staff, he advised Sergeant Holland that he had discharged his weapon one time in a northerly direction. Deputy Hall said he was then sequestered, and Deputy Cassandra Smith was assigned to stay with him.

Deputy Hall stated he has never met or seen WILSON, prior to this incident.

Deputy Hall was asked in his interview to describe why he discharged his handgun at WILSON. Deputy Hall said he was in fear of his life and safety, as he was in a busy intersection, and WILSON was advancing on him in a threatening manner, with a knife with an exposed blade. Deputy Hall added he was aware there was vehicular traffic behind him, which he was not able to monitor. Deputy Hall stated in his interview, “I’m gonna defend myself, uh, for fear of being stabbed or - or cut or killed.” “Um, at that point, I saw his right hand raise up with the knife coming at me. I believe that was him, uh, producing an attack to try and kill me. Uh, so for fear of my life, I discharged my firearm at him.”

The interview concluded at 1845 hours, and was audio recorded. The interview was later transcribed.

Deputy James Lang
Joseph Lucia – Legal Counsel for Deputy Lang
Interviewers: Senior Inspector Ritchie and Detective Melen
March 11, 2021

On March 11, 2021, at approximately 1740 hours Detective Melen and Senior Inspector Ritchie interviewed Deputy Lang, in a meeting room at the Danville Police Department, also present was Deputy Lang's legal counsel, J. Lucia. Deputy Lang advised he was providing a voluntary statement. Deputy Lang advised he had been sequestered from the scene, and had not spoken with anyone, except J. Lucia, regarding the incident. Deputy Lang also said he had not viewed any BWC or vehicular camera footage, prior to being interviewed.

Deputy Lang stated he was hired by the CCCSO in 2007, and for the past six (6) years has been assigned to the Danville Police Department as a traffic officer. Deputy Lang said today around 1145 hours, he heard Deputy Hall being dispatched to a call regarding a subject throwing rocks onto Interstate 680 from the Sycamore Valley Road overpass. Deputy Lang stated he responded to the area, in his fully marked police vehicle. He contacted a subject on San Ramon Valley Boulevard and Sycamore Valley Road, which was west of Highway 680. Deputy Lang said he spoke with the subject for a few minutes and released him, as he did not appear to be involved in the incident.

Deputy Lang said he drove east on Sycamore Valley Road, through the intersection of Camino Ramon, and was approaching the next intersection at Brookside Drive, when he heard Deputy Hall advise he was contacting a subject at Camino Ramon and Sycamore Valley Road. Deputy Lang said he got into the left turn lane at Brookside Drive to make a U-turn as he was going to cover Deputy Hall. Deputy Lang said he heard Deputy Hall say something on the radio; however, Deputy Lang could not understand what he said. He then heard the dispatcher advise that Deputy Hall did not need cover. Deputy Lang stated he then started driving east on Sycamore Valley Road.

Deputy Lang said as he got to the next intersection at Morninghome Road, he heard Deputy Hall advise "Shots fired!" via his radio. Deputy Lang stated he made a U-turn and began responding to Deputy Hall's location. Deputy Lang believed he was approximately one quarter to one half mile from Deputy Hall's location. Deputy Lang said as he arrived on scene, he observed Deputy Hall standing in the intersection of Camino Ramon and Sycamore Valley Road. Deputy Lang said Deputy Hall had his service weapon out, and was pointing it towards WILSON, who was on the ground. Deputy Lang said he exited his vehicle and went to help Deputy Hall. Deputy Lang observed that WILSON was bleeding from his face. Deputy Lang also observed a black folding knife, with the blade open, in WILSON's right hand. Deputy Lang added the butt end of the knife was gold. Deputy Lang said he kicked the knife out of WILSON's hand and kicked it behind him. Deputy Lang stated he asked Deputy Hall if he was alright. Deputy Lang said he could not recall if Deputy Hall answered his question; however, he appeared to be uninjured.

Deputy Lang said he checked WILSON's pockets for any other weapons, but he did not find any. Deputy Lang said WILSON never said anything while he was searching him. Deputy Lang said WILSON was gasping for air. Deputy Lang stated he assisted Deputy Hall in removing WILSON's backpack that was still around his shoulders. Deputy Lang said they placed WILSON on his left side in a recovery position to get the blood to pool away from his mouth. Deputy Lang said they waited for fire and ambulance personnel to arrive. Deputy Lang recalled seeing "golf ball" size rocks around WILSON's body; however, he did not recall removing any from WILSON's pockets or clothing. Deputy Lang said Deputy Matan arrived and brought an Automatic External Defibrillator (AED). Deputy Lang said they did not use the device as WILSON was still breathing. Deputy Lang said he never spoke with Deputy Hall about what occurred, nor did Deputy Hall say anything to him about the incident. Deputy Lang added he has never seen WILSON prior to this incident.

Deputy Lang's and Deputy Hall's BWC shows Deputy Lang lifting WILSON's right sleeve of his jacket, at which point the knife falls out of WILSON's right hand. Deputy Lang then kicks the knife behind him.

The interview concluded at 1806 hours, and was audio recorded. The interview was later transcribed.

Sergeant Steve Stapleton
Joseph Lucia – Legal Counsel for Sergeant Stapleton
Interviewers: Senior Inspector Ritchie and Detective Melen
March 11, 2021

On March 11, 2021, at approximately 1816 hours Detective Melen and Senior Inspector Ritchie interviewed Sergeant Stapleton, in a meeting room at the Danville Police Department, also present was Sergeant Stapleton legal counsel, J. Lucia. Sergeant Stapleton advised he was providing a voluntary statement. Sergeant Stapleton advised after arriving at the scene and directing officers to assignments, he drove back to the Danville Police Department. Sergeant Stapleton had not spoken with anyone, except J. Lucia, regarding the incident. Sergeant Stapleton also said he had not viewed any BWC or vehicular camera footage, prior to being interviewed.

Sergeant Stapleton stated he was responding to a call on the east side of Danville, when he heard Deputy Hall being dispatched to a call of a subject throwing rocks onto Interstate 680 from the Sycamore Valley Road overpass. Sergeant Stapleton said he heard Deputy Hall advise dispatch he was going to be contacting a subject at Sycamore Valley Road and Camino Ramon. Sergeant Stapleton believed he heard Deputy Hall say he did not need cover, via his radio. Sergeant Stapleton said he had pulled over to conduct some computer work, as the call he was responding to was cancelled. Sergeant Stapleton said he then heard Officer Hall say, "Shot's Fired!" via his radio. Sergeant Stapleton said he responded to Deputy Hall's location; however, he was several miles away. Sergeant Stapleton said as he arrived several members of the Danville Police Department Investigation Unit were already on scene. Sergeant Stapleton said he observed Deputy Hall being escorted out

of the scene, by Sergeant Halling. Sergeant Stapleton stated he observed WILSON being attended to by medical personnel. Sergeant Stapleton said he observed a knife on the ground in the intersection; however, he did not give any description. Sergeant Stapleton did not describe any other items of evidence he may have seen. Sergeant Stapleton said he assigned Deputies Barbero, and Dutcher to follow WILSON in the ambulance to John Muir Medical Center. Sergeant Stapleton added he has never seen WILSON prior to this incident.

The interview concluded at 1826 hours, and was audio recorded. The interview was later transcribed.

Deputy Barbero
Interviewers: Senior Inspector Mathers and Detective Williams
March 11, 2021

At approximately 1349 hours Senior Inspector Mathers and Detective Williams contacted Deputy Barbero and Deputy Dutcher at John Muir Medical Center. Deputy Barbero stated he was with his trainee, Deputy Dutcher. Deputy Barbero said they were on a welfare check call, about five miles away from Deputy Hall when they heard Deputy Hall advise of "Shots Fired!" Deputy Barbero said when they arrived on scene, they were directed by Sergeant Stapleton to follow WILSON in the ambulance to the hospital. Deputy Barbero said he observed WILSON being escorted into the emergency room, upon arrival. Deputy Barbero said he did not hear WILSON say anything while he was near him. Deputy Barbero said one of the medical personnel told him WILSON attempted to remove his oxygen mask, when he was being transported. Deputy Barbero added they collected the clothing WILSON was wearing at the time of the incident.

The interview concluded at 1352 hours, and was audio recorded. The interview was later transcribed.

Deputy Dutcher
Interviewers: Senior Inspector Mathers and Detective Williams
March 11, 2021

Around 1354 hours Senior Inspector Mathers and Detective Williams contacted Deputy Dutcher, who essentially stated the same as Deputy Barbero, regarding following WILSON to the hospital. Deputy Dutcher stated he had responded inside of the hospital and retrieved WILSON's clothing and belongings from one of the emergency room nurses. Deputy Dutcher stated when he was near WILSON, he did not hear him say anything.

The interview concluded at 1400 hours, and was audio recorded. The interview was later transcribed.

Interviews of San Ramon Valley Fire District personnel
Firefighter-Paramedic M. Bueno
Interviewed by Senior Inspector Garcia and Detective Wells
March 11, 2021

Firefighter Bueno said he and EMT Smith responded to the scene, in the department ambulance, regarding a call of a subject that had been shot. Firefighter Bueno said when they arrived on scene, he observed WILSON laying on his left side in the center of the intersection. Firefighter Bueno said he observed two (2) police officers on scene (Deputy Hall and Deputy Lang – per video). Firefighter Bueno said he did not recall what they were doing. Firefighter Bueno said WILSON was bleeding from a single injury to the right side of his face. Firefighter Bueno stated WILSON was given two intravenous bags of fluids and oxygen as he was being transported to John Muir Medical Center. Firefighter Bueno stated there were no drugs/medication administered to WILSON, while he was in the ambulance. Firefighter Bueno said he did not notice any odor of alcoholic beverage or marijuana coming from WILSON, as Firefighter Bueno was wearing a mask. Firefighter Bueno said when they transported WILSON, they removed WILSON's clothing. Firefighter Bueno said they had to restrain WILSON's right arm as he continually attempted to remove the oxygen mask from his face. Firefighter Bueno said he had never seen WILSON prior to the incident. The interview was audio recorded.

Firefighter -Paramedic R. Smith #P33533
Interviewed by Senior Inspector Garcia and Detective Wells
March 11, 2021

Firefighter Smith stated essentially the same as Firefighter Bueno, regarding responding to the call for service. Firefighter Smith stated he was driving the ambulance, and when he arrived on scene, he parked the ambulance in the center of the intersection. Firefighter Smith stated he removed the gurney from the back of the ambulance, and went to WILSON's location while the other firefighters-paramedics were administering medical aid to WILSON. Firefighter Smith said he assisted in placing WILSON on the gurney and putting him into the back of the ambulance. Firefighter Smith said he then drove WILSON to John Muir Medical Center. Firefighter Smith recalled seeing a knife on the ground about 5' from where WILSON was lying on the ground. He described the knife as having the blade exposed and being about 4"-5" long. Firefighter Smith said he also found several rocks in WILSON's pockets. Firefighter Smith stated he has never seen WILSON prior to this incident. The interview was audio recorded.

Firefighter -Paramedic B. Haynie #P40065
Interviewed by Senior Inspector Garcia and Detective Wells
March 11, 2021

Firefighter Haynie said he drove the fire truck (Engine #31) to the scene, Firefighter Haynie said the same as Bueno and Smith, regarding arriving on scene and assisting with medical aid to WILSON and transporting WILSON to John Muir Medical Center.

Firefighter Haynie stated he has never seen WILSON prior to this incident. The interview was audio recorded.

**Firefighter -Paramedic A. Romero
Interviewed by Senior Inspector Garcia and Detective Wells
March 11, 2021**

Firefighter Romero also stated the same as Firefighter – Paramedic Bueno, Smith, and Hayne

Firefighter Romero stated he has never seen WILSON prior to this incident. The interview was audio recorded.

Interviews of Civilian Witnesses

**Witness 2 [W-2]
Interviewed by Senior Inspector Holcombe and Detective Ingersoll
March 11, 2021**

W-2 was an off-duty San Francisco Police Officer. W-2 said she was driving her Tesla vehicle westbound on Sycamore Valley Road approaching Camino Ramon when she observed WILSON and Deputy Hall walking into the center of the intersection. W-2 stated she observed Deputy Hall pointing to the northeast sidewalk. W-2 said she was not able to hear the conversation between WILSON and Deputy Hall. W-2 also stated she was not able to see the right side of WILSON's body to include his arm or hand. W-2 said she observed WILSON walk backwards as Deputy Hall was walking toward him. W-2 said WILSON was about 4' from Deputy Hall, when she observed Deputy Hall point his handgun at WILSON. W-2 said she observed WILSON take a step towards Deputy Hall. She then observed Deputy Hall discharge his weapon toward WILSON, at which time WILSON collapsed to the ground. W-2 stated she pulled her vehicle in front of the other traffic that was facing westbound and exited her vehicle. W-2 said she contacted Deputy Hall, who told her to help direct vehicular traffic.

W-2 advised her vehicle camera system documented just prior to her arriving at the intersection up to seeing another police officer arrive on scene. W-2 allowed Inspector Holcombe to retrieve a copy of the camera footage from her vehicle.

**Witness 3 [W-3]
Interviewed by Senior Inspector Holcombe and Detective Ingersoll
March 11, 2021**

W-3 was the original person that called 911, advising a subject matching the description of WILSON was throwing rocks onto Interstate 680 from the Sycamore Valley Road overpass.

W-3 called 911 a second time to report WILSON walking south on Camino Ramon from Sycamore Valley Road. W-3 did not witness the incident between WILSON and Deputy Hall.

Witness 4 [W-4]
Interviewed by Senior Inspector Holcombe and Detective Ingersoll
March 11, 2021

W-4 had cellphone video of the incident that begins after WILSON has been shot. W-4 had forwarded the footage to her boyfriend, who in turn posted it on Facebook. W-4 provided a copy of the video footage to Detective Ingersoll.

Witness 1 [W-1] Father of WILSON
Interviewed by Senior Inspector Ishikawa and Detective Jackson
March 11, 2021

At approximately 1700 hours Detective Jackson called W-1. W-1 advised he had already been called by his ex-wife and she told him that WILSON had been shot. W-1 advised he is WILSON's biological father. W-1 said WILSON had mental health issues, which may have resulted from WILSON being in a car accident in high school. W-1 also believed WILSON's use of marijuana could have led to his mental health issues. W-1 did not elaborate on WILSON's mental health issues.

W-1 said he last saw WILSON in August of 2017, prior to moving out of state. W-1 said he spoke with WILSON on Monday the 8th of March, which was WILSON'S birthday. W-1 said WILSON did not say where he was staying or what his living conditions were. W-1 said WILSON sounded in good spirits when he talked to him on Monday the 8th of March.

Autopsy

Dr. Ogan performed the autopsy and noted WILSON's death was caused by a single gunshot trauma to the skull and brain. Dr. Ogan advised the bullet entered WILSON's skull just below the right eye, breaking the orbital bone, and then entered the brain. Dr. Ogan pointed out the bullet hit the back of the right side of the skull and splintered into three (3) pieces. Assistant Ward advised they recovered two (2) pieces of suspected copper jacketed metal and a piece of lead core from WILSON's brain. Dr. Ogan stated WILSON had most of his internal organs removed prior to his examination. See Dr Ogan's report for further details on the official cause of death.

LEGAL PRINCIPLES

The California District Attorneys Association Uniform Crime Charging Standards Manual directs that criminal charges shall not be brought unless the prosecutor, based upon a complete investigation and thorough consideration of all the pertinent information readily available to him or her, believes there is evidence that proves beyond a reasonable doubt, that the accused is guilty of the crime to be charged. Additionally, the charging standards direct that there must be legally sufficient admissible evidence to prove each element of the crime. The admissible evidence must be of such convincing force that it would warrant conviction of the crime charged by a reasonable and objective fact finder after the fact finder has heard all the evidence and after considering the most plausible, reasonable, and foreseeable defenses that could be raised under the evidence.

The applicable California Penal Code Sections and Jury Instructions [CALCRIM] are as follows:

Pursuant to CALCRIM 220: [Reasonable Doubt Jury Instruction]

The fact that a criminal charge has been filed against the defendant is not evidence that the charge is true. You must not be biased against the defendant just because he has been arrested, charged with a crime, or brought to trial.

A defendant in a criminal case is presumed innocent. This presumption requires that the People prove a defendant guilty beyond a reasonable doubt. []

Proof beyond a reasonable doubt is proof that leaves you with an abiding conviction that the charge is true. The evidence need not eliminate all possible doubt because everything in life is open to some possible or imaginary doubt.

In deciding whether the People have proved their case beyond a reasonable doubt, you must impartially compare and consider all the evidence that was received throughout the entire trial. Unless the evidence proves the defendant guilty beyond a reasonable doubt, he is entitled to an acquittal, and you must find him not guilty.

Pursuant to CALCRIM 223: [Direct and Circumstantial Evidence Defined]

Facts may be proved by direct or circumstantial evidence or by a combination of both. Direct evidence can prove a fact by itself. For example, if a witness testifies he saw it raining outside before he came into the courthouse, that testimony is direct evidence that it was raining.

Circumstantial evidence also may be called indirect evidence. Circumstantial evidence does not directly prove the fact to be decided, but is evidence of another fact or group of facts from which you may logically and reasonably conclude the truth of the fact in question. For example, if a witness testifies that he saw someone

come inside wearing a raincoat covered with drops of water, that testimony is circumstantial evidence because it may support a conclusion that it was raining outside.

Both direct and circumstantial evidence are acceptable types of evidence to prove or disprove the elements of a charge, including intent and mental state and acts necessary to a conviction, and neither is necessarily more reliable than the other. Neither is entitled to any greater weight than the other. You must decide whether a fact in issue has been proved based on all the evidence.

Pursuant to CALCRIM 224: [Circumstantial Evidence: Sufficiency of Evidence]

Before you may rely on circumstantial evidence to conclude that a fact necessary to find the defendant guilty has been proved, you must be convinced that the People have proved each fact essential to that conclusion beyond a reasonable doubt.

Also, before you may rely on circumstantial evidence to find the defendant guilty, you must be convinced that the only reasonable conclusion supported by the circumstantial evidence is that the defendant is guilty. If you can draw two or more reasonable conclusions from the circumstantial evidence, and one of those reasonable conclusions points to innocence and another to guilt, you must accept the one that points to innocence. However, when considering circumstantial evidence, you must accept only reasonable conclusions and reject any that are unreasonable.

Section 187: Murder is the unlawful killing of a human being or fetus with malice aforethought.

Section 188: Such malice may be express or implied. It is express when there is manifested a deliberate intention unlawfully to take away the life of a human being. It is implied when the killing resulted from an intentional act, the natural consequences of the act are dangerous to human life, and the act was deliberately done with knowledge of the danger to and with conscious disregard for human life.

Section 192: Manslaughter is the unlawful killing of a human being without malice.

Section 196: Homicide is justifiable when committed by peace officers and those acting by their command in their aid and assistance, under either of the following circumstances:

- (a) In obedience to any judgment of a competent court.
- (b) When the homicide results from a peace officer's use of force that is in compliance with Section 835a.

Section 835a: (a) The Legislature finds and declares all of the following:

(1) That the authority to use physical force, conferred on peace officers by this section, is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the

sanctity of every human life. The Legislature further finds and declares that every person has a right to be free from excessive use of force by officers acting under color of law.

(2) As set forth below, it is the intent of the Legislature that peace officers use deadly force only when necessary in defense of human life. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.

(3) That the decision by a peace officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law and agency policies.

(4) That the decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.

(5) That individuals with physical, mental health, developmental, or intellectual disabilities are significantly more likely to experience greater levels of physical force during police interactions, as their disability may affect their ability to understand or comply with commands from peace officers. It is estimated that individuals with disabilities are involved in between one-third and one-half of all fatal encounters with law enforcement.

(b) Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance.

(c) (1) Notwithstanding subdivision (b), a peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons:

(A) To defend against an imminent threat of death or serious bodily injury to the officer or to another person.

(B) To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

(2) A peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.

Section 197: Homicide is also justifiable when committed by any person in any of the following cases:

1. When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person; or,
2. When committed in defense of habitation, property, person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony, or against one who manifestly intends or endeavors, in a violent, riotous or tumultuous manner, to enter the habitation of another for the purpose of offering violence to any person therein; or,
3. When committed in the lawful defense of such person, or of a wife or husband, parent, child, master, mistress, or servant of such person, when there is reasonable ground to apprehend a design to commit a felony or to do some great bodily injury, and imminent danger of such design being accomplished; but such person, or the person in whose behalf the defense was made, if he was the assailant or engaged in mutual combat, must really and in good faith have endeavored to decline any further struggle before the homicide was committed; or
4. When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

Section 199: The homicide appearing to be justifiable or excusable, the person indicted must, upon his trial, be fully acquitted and discharged.

Any killing of a human being at the hands of another is a homicide. A homicide may be criminal or justifiable depending upon the circumstances. It is justifiable if done while resisting a violent felony or in self-defense or in defense of another if it reasonably appears to the person claiming the right of self-defense or the defense of another that he or she actually and reasonably believed that he or she or another was in imminent danger of great bodily injury or death. (*See People v. Williams* (1977) 75 Cal. App. 3rd 731). In protecting oneself or another, a person may use all force which he or she believes reasonably necessary, and which would appear to a reasonable person, in similar circumstances, to be necessary to prevent the injury, which appears imminent (*See California Criminal Jury Instruction CALCRIM 505*). In order to justify killing another person in self-defense or in the defense of another, actual danger of death or great bodily injury is not necessary. (CALCRIM 505.)

Pursuant to CALCRIM 507:

A homicide by a peace officer is justifiable and not unlawful when:

1. The defendant was a peace officer

AND

2. The killing was committed while the defendant

either:

A. Reasonably believed, based on the totality of the circumstances, that the force was necessary to defend against an imminent threat of death or serious bodily injury to the defendant or another person;

OR

B. Reasonably believed, based on the totality of the circumstances, that:

(1) A person was fleeing a felony;

(2) That force was necessary to arrest or detain that person;

(3) The commissioned felony threatened or resulted in death or serious bodily injury,

AND

(4) The person will cause death or serious bodily injury to another unless immediately apprehended.

Pursuant to CALCRIM 505. Justifiable Homicide: Self-Defense

The defendant is not guilty of murder or manslaughter if he was justified in killing someone in self-defense. The defendant acted in lawful (self-defense/ [or] defense of another) if:

1. The defendant reasonably believed that he was in imminent danger of being killed or suffering great bodily injury;

2. The defendant reasonably believed that the immediate use of deadly force was necessary to defend against that danger;

AND

3. The defendant used no more force than was reasonably necessary to defend against that danger.

Belief in future harm is not sufficient, no matter how great or how likely the harm is believed to be. The defendant must have believed there was imminent danger of death or great bodily injury to himself. Defendant's belief must have been reasonable and he must have acted only because of that belief. The defendant is only entitled to use that amount of force that a reasonable person would believe is necessary in the same situation. If the defendant used more force than was reasonable, the killing was not justified.

When deciding whether the defendant's beliefs were reasonable, consider all the circumstances as they were known to and appeared to the defendant and consider what a reasonable person in a similar situation with similar knowledge would have believed. If the defendant's beliefs were reasonable, the danger does not need to have actually existed.

The defendant's belief that he was threatened may be reasonable even if he relied on information that was not true. However, the defendant must actually and reasonably have believed that the information was true.

A defendant is not required to retreat. He or she is entitled to stand his or her ground and defend himself and, if reasonably necessary, to pursue an assailant until the danger of death or great bodily injury has passed. This is so even if safety could have been achieved by retreating.

Great bodily injury means significant or substantial physical injury. It is an injury that is greater than minor or moderate harm.

The People have the burden of proving beyond a reasonable doubt that the killing was not justified. If the People have not met this burden, you must find the defendant not guilty of murder or manslaughter.

Additional Case Law and CALCRIM Instructions:

The United States Supreme Court has held that a police officer's use of force should be analyzed under the reasonableness standard of the Fourth Amendment to the United States Constitution. The Supreme Court stated, "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight . . . the calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." (*Graham v. Conner* (1989) 490 US 386, 396-397).

If the killing was not justifiable as outlined above, or excusable as in an accidental killing, only then would it be criminal. Moreover, if an act is committed by reason of a mistake of fact which disproves any criminal intent, it is not a crime. Therefore, a person is not guilty of a crime if he or she commits an act under an actual belief in the existence of certain facts and circumstances which, if true, would make the act lawful. (See CALCRIM 3406.)

LEGAL ANALYSIS

Introduction:

The legal issue to be decided by the CCCDAO is whether any involved law enforcement officers or civilians violated any criminal laws. The Contra Costa District Attorney's Office analyzes each fatal incident on the case specific facts and circumstances. The community, including the deceased, his family and the involved officers, deserve an independent factual and legal analysis. Whether someone is criminally liable depends on the facts of the case and whether those facts constitute a crime under the applicable laws.

The California District Attorneys Association Uniform Crime Charging Standards Manual directs that criminal charges shall not be brought unless the prosecutor, based upon a complete investigation and thorough consideration of all the pertinent information readily available to him or her, believes there is evidence that proves beyond a reasonable doubt, that the accused is guilty of the crime to be charged. Additionally, the charging standards direct that there must be legally sufficient admissible evidence to prove each element of the crime. The admissible evidence must be of such convincing force that it would warrant conviction of the crime charged by a reasonable and objective fact finder after the fact finder has heard all the evidence and after considering the most plausible, reasonable, and foreseeable defenses that could be raised under the evidence.

An officer is not criminally liable for the death of another person if he, "reasonably believed, based on the totality of the circumstances, that the force was necessary to defend against an imminent threat of death or serious bodily injury (CALCRIM 507). The People have the burden to prove beyond a reasonable doubt that the officer did not have an actual or reasonable belief in the need for self-defense, and absent direct evidence that an officer did not actually or reasonably believe in the need for self-defense, circumstantial evidence must be used.

In the present case, during the LEIFI investigation, Deputy Hall stated that at the moment he fired his weapon, he believed Tyrell Wilson was a threat to cause him death or serious bodily injury. Deputy Hall's statement is direct evidence of his mental state regarding his belief that he acted in self-defense. Accordingly, in order to prove Deputy Hall is criminal liable for Tyrell Wilson's death, the People must rely on circumstantial evidence to prove Deputy Hall's did not actually believe in the need to use lethal force in self-defense, or that his belief was unreasonable.

Under the law, if two reasonable conclusions can be drawn from circumstantial evidence, and one of those reasonable conclusions points to innocence, jurors are instructed that they must accept the one that points to innocence and reject the conclusion that points to guilt (CALCRIM 224).

Expert Opinions:

Following the Coroner's Inquest on July 22nd, 2022, the CCCDAO contacted multiple police use of force experts, who reviewed the actions of Deputy Hall on the date of the incident, in order to assist the CCCDAO in evaluating the available circumstantial evidence. Two of the experts were able to provide written reports

within the appropriate CCCDAO LEIFI report deadline, while a third expert was unable to do so due to scheduling conflicts.

Of note, depending on the facts of the case, expert testimony regarding police officer use of force may be introduced at trial as circumstantial evidence. If admitted into evidence, a jury is not required to adopt the opinion of any expert offered at trial, but may consider such evidence to aid them in determining whether or not a charged defendant is guilty of a crime.

The CCCDAO received an extensive written report, authored by police use of force expert Dr. David Blake, who concluded that, “A reasonable officer would recognize the decedent’s behaviors as consistent with an imminent threat (i.e., ability, opportunity, & apparent intent) of serious bodily injury or death. Officer Hall raised his weapon, aimed, and fired at the decedent’s head as the decedent was in the process of lowering the knife to his side and continuing to close the distance with Hall. The imminence of the threat along with the lack of any feasible options created the necessity to use deadly force. While I am critical of Officer Hall’s decision to follow the decedent into the intersection without a cover officer - the decedent was not known to possess a weapon at the time and the risk of a deadly force encounter was not reasonably foreseeable. While not aligned with optimal officer safety, Officer Hall’s approaching the decedent in the roadway were not a violation of CCSO policy or any legal standard. Ultimately, I opine that Officer Hall’s use of deadly force was consistent with the training provided to California Peace Officers and in accordance with CCSO policy.”

In addition, the CCCDAO contacted police use of force expert Jody Stiger. Although Jody Stiger was unable to author a written report within the CCCDAO LEIFI report deadline due to scheduling conflicts, he was able to review a portion of the evidence available in this case, including the video camera footage of the incident and Deputy Hall’s statements to LEIFI investigators. Jody Stiger verbally stated that based on the information he reviewed, he believed Deputy Hall’s use of lethal force was “not necessary based on the totality of the circumstances.”

The CCCDAO received an additional extensive written report authored by police use of force expert Jeffrey Martin, Esq., who concluded that, “Officer Hall’s deadly force response was consistent with the actions of a trained and reasonable officer facing the same circumstances.” Expert Martin further stated that, “In summation, Officer Hall was trying to detain Mr. Wilson who had reportedly committed a felony crime against other persons. As Officer Hall was trying to get Mr. Wilson to comply with his requests and directions to get out of the intersection and stop for him, Mr. Wilson confronted Officer Hall and suddenly brandished a knife toward Officer Hall in a threatening manner. When Officer Hall drew his handgun, ordered Mr. Wilson to drop the knife, and started to retreat, Mr. Wilson approached Officer Hall. At the time Officer Hall discharged his handgun, he was facing a suddenly appearing imminent threat of death or serious bodily injury under circumstances that were tense, uncertain, and rapidly evolving.”

A. Two Reasonable Conclusions Could be Drawn by a Juror in Determining Whether Deputy Hall Acted in Lawful Self-Defense: One that Points to Guilt and Another that Points to Innocence.

In the present case, a juror could review all of the circumstantial evidence and draw two separate reasonable conclusions as to whether or not Deputy Hall acted in lawful self-defense. One reasonable conclusion points to innocence, and another reasonable conclusion points to guilt.

1. Reasonable Conclusions of the Circumstantial Evidence that Point to Deputy Hall's Guilt:

In the present case, a juror could review all of the circumstantial evidence in this case and reasonably conclude that Deputy Andrew Hall did not actually or reasonably believe in the need to use lethal force to defend himself.

Listed below is an analysis of the circumstantial evidence that points to Deputy Hall's guilt:

A juror could reasonably conclude that although Deputy Hall was responding to a call of an individual throwing rocks from the 680 overpass, at the time Deputy Hall responded to the scene, there was no indication over dispatch that anyone was injured or that someone was hit by a rock. As such, a juror could reasonably conclude from this circumstantial evidence that neither Deputy Hall, nor a reasonable officer, would believe he was responding to a life-threatening call.

A juror could reasonably conclude that Deputy Hall did not follow standard police training, which instructs officers to use time and distance, if reasonably possible, when involved in a potentially violent or deadly situation. In the present case, although Tyrell Wilson pulled out a knife, stated, "kill me," and took approximately two steps towards Deputy Hall, a juror could reasonably conclude that Deputy Hall should have utilized time and distance by continuously stepping away from Tyrell Wilson, while keeping his firearm trained on the suspect.

A juror could reasonably conclude that creating additional time and distance would have allowed backup officers to arrive at the scene and would have increased the likelihood that this encounter would not have resulted in the use of deadly force. As such, a juror could reasonably conclude from this circumstantial evidence that Deputy Hall failed to follow standard police training, and therefore his use of deadly was unreasonable and unnecessary.

A juror could reasonably conclude that Deputy Hall did not follow standard police training by utilizing de-escalation tactics when trying to gain compliance from Tyrell Wilson. In addition, a juror could reasonably conclude that Deputy Hall was aware, or should have been aware, that Tyrell Wilson suffered from mental health issues, and per his training, should have been particularly focused on de-escalation tactics to gain compliance from Tyrell Wilson.

A juror could reasonably conclude that Deputy Hall was aware, or should have been aware, Tyrell Wilson suffered from mental health issues due to his statements such as, "What country is this?" "Authority of what?" and, "kill me". As such, a juror could reasonably conclude from this circumstantial evidence that by failing to utilize de-escalation tactics, Deputy Hall's use of deadly force to shoot Tyrell Wilson was unreasonable and unnecessary.

A juror could reasonably conclude that although Tyrell Wilson pulled out a knife, Deputy Hall was not in imminent danger of suffering serious bodily injury or death. A juror could reach this reasonable conclusion due to Tyrell Wilson's posture, body language, movements, and relative distance from Deputy Hall.

When initially contacted by Deputy Hall, Tyrell Wilson continuously walked away from the officer instead of advancing upon him. Moments later, when Tyrell Wilson pulled out his knife, Tyrell Wilson continued to move away from Deputy Hall by taking approximately (5) five large steps backwards and away from Deputy Hall while stating, "Don't fucking touch me!" Based on this evidence, a juror could reasonably conclude from his actions, that at this point, Tyrell Wilson intention was to simply get away.

After Tyrell Wilson pulled out a knife and took approximately (5) five large steps away from Deputy Hall, he was standing upright, instead of in a crouched attacking position. In addition, at one point Tyrell Wilson was holding the knife down by his side, instead pointing it directly at Deputy Hall in a threatening position. Tyrell Wilson did not make any explicit threats to stab Deputy Hall. Instead, Tyrell Wilson touched his own chest with his knife hand and said, "kill me," as he looked up to the sky. During this time, Tyrell Wilson slowly took approximately (2) two small steps towards Deputy Hall, who was still 5-7 feet away. At the time Deputy Hall shot Tyrell Wilson, he was looking up at the sky.

Based on this circumstantial evidence, a juror could reasonably conclude that neither Deputy Hall, nor a reasonable police officer, would believe they were in imminent danger of being stabbed by Tyrell Wilson and suffering serious bodily injury. As such, a reasonable juror could conclude that Deputy Hall's use of deadly force was unreasonable and unnecessary.

A juror could reasonably conclude that Deputy Hall's use of deadly force, by shooting Tyrell Wilson in the head, was unreasonable and excessive because it was inconsistent with police training. Peace officers receive training to shoot suspects in the head under certain conditions. Primarily the conditions for a head shot exist after a shot to center mass appears to be ineffective due to body armor or a failure to neutralize the threat. As such, a juror could reasonably conclude that by failing to follow his training, Deputy Hall's use of deadly force was unreasonable and excessive.

Based on a review of the circumstantial evidence available in this case, including witness testimony and all available video footage, a juror could reasonably conclude that Deputy Hall did not actually or reasonably believe in the need to use deadly force in self-defense.

2. Reasonable Conclusions of Circumstantial Evidence that Point to Deputy Hall's Innocence.

Although a juror could review the circumstantial evidence and conclude Deputy Hall did not have an actual or reasonable belief in the need to use deadly force in self-defense, a juror could also review the circumstantial evidence and reasonably conclude that Deputy Hall did have an actual and reasonable belief in the need to use deadly force to defend himself.

Listed below is an analysis of the circumstantial analysis that points to Deputy Hall's innocence:

A juror could reasonably conclude that the officers, including Deputy Hall, were responding to a serious and potentially life-threatening situation. Although dispatch did not advise officers that anyone was struck or injured by the suspect throwing rocks from the freeway overpass, a reasonable officer could conclude

that the suspect may have caused injury to another, or may continue to throw rocks and ultimately cause serious bodily injury or death to a passing motorist. As such, a juror could reasonably conclude officers were responding to a serious and potentially life-threatening situation.

A juror could reasonably conclude that Deputy Hall did attempt to utilize time and distance once Tyrell Wilson brandished his knife. A juror could reasonably conclude that after Tyrell Wilson brandished a knife, when Deputy Hall took 3 - 4 steps backwards, he was [at that point] attempting to utilize time and distance by moving backwards. A juror could reasonably conclude that Deputy Hall only fired at Tyrell Wilson after he failed to obey commands and continued to advance towards the officer with a knife in hand.

In addition, a reasonable jury could give considerable weight to CALCRIM 505, which states, "A defendant is not required to retreat. He or she is entitled to stand his or her ground and defend himself or herself []. This is so even if safety could have been achieved by retreating."

A juror could reasonably conclude that Deputy Hall, and a reasonable officer under the same circumstances, would have been unaware of Tyrell Wilson's mental issues. Deputy Hall never met Tyrell Wilson and a juror could reasonably conclude that Tyrell Wilson's statements to Deputy Hall during their encounter came across as more combative and non-compliant, as opposed to a sign of a mental health issue.

In addition, a jury could reasonably conclude that even if Deputy Hall knew [or should have known] Tyrell Wilson was exhibiting signs of mental illness, Tyrell Wilson's statement of, "Kill me," would increase the likelihood that the suspect was engaging in what is referred to as "suicide by cop."

"'Suicide by cop' is a term used by law enforcement officers to describe an incident in which a suicidal individual intentionally engages in life-threatening and criminal behavior with a lethal weapon or what appears to be a lethal weapon toward law enforcement officers or civilians to specifically provoke officers to shoot the suicidal individual in self-defense or to protect civilians." [Hutson HR, Anglin D, Yarbrough J, Hardaway K, Russell M, Strote J, Canter M, Blum B. Suicide by cop. *Ann Emerg Med*. 1998 Dec;32(6):665-9. doi: 10.1016/s0196-0644(98)70064-2. PMID: 9832661.]

A juror could reasonably conclude that an officer, believing a mentally ill suspect who was 5-7 feet away, who was armed with a knife, who refused to drop his knife after being ordered to do so at gunpoint, and who was potentially engaging in, "suicide by cop," would continue to advance on him and attempt to stab him with a knife in order to be shot and killed. A juror could reasonably conclude that an officer's use of deadly force in this circumstance, although tragic, was reasonable.

A juror could reasonably conclude that Deputy Hall was in imminent danger of suffering great bodily injury. Moments before being shot, Tyrell Wilson threatened Deputy Hall by pulling out a knife and yelling, "Touch me and see what's up!" Tyrell Wilson did not drop his knife once Deputy Hall pointed his firearm at him, nor did he follow Deputy Hall's commands to drop the knife. At the moment Deputy Hall fired, Tyrell Wilson was approximately 5-7 feet away, his knife was in his hand, and took approximately 2-3 steps towards Deputy Hall. As such, a juror could reasonably conclude that Deputy Hall was in imminent

danger or suffering serious bodily injury and, that his use of deadly force was lawful.

A juror could reasonably conclude that Deputy Hall's use of force was not excessive or unreasonable. If a juror were to find Deputy Hall was entitled to use lethal force to defend himself, a reasonable juror could conclude that the physical location of where on his body Deputy Hall chose to shoot Tyrell Wilson carries little to no weight. If Deputy Hall was authorized to use lethal force to defend himself, then the manner of how he used lethal force is of minimal-to-no-significance, even if inconsistent with police training.

Circumstantial Evidence and the Law:

CALCRIM 224 states, "if you can draw two of more reasonable conclusions from the circumstantial evidence, and one of those reasonable conclusions points to innocence and another to guilt, you must accept the one that points to innocence. However, when considering circumstantial evidence, you must accept only reasonable conclusions and reject any that are unreasonable." In applying this law, the jury does not base their verdict on which conclusion is more or less reasonable. As long as both conclusions meet the threshold requirement of being, "reasonable" the jury is required under the law to accept the conclusion that points to innocence and reject the conclusion that points to guilt.

In the present case, although a juror may review the circumstantial evidence and reasonably conclude that Deputy Hall did not act in lawful self-defense, a juror may also reasonably conclude that Deputy Hall did act in lawful self-defense. Legally, under this scenario, Deputy Hall is not guilty of any crime.

Deputy Hall's Prior Use of Deadly Force [People v. Hall; CCC Docket 01-195930-3]

One of the factors the CCCDAO considered in deciding whether or not to file criminal charges was Deputy Hall's history of using deadly force while on duty. Previously, in the case of the *People v. Hall* [Docket 1-195930-3], Deputy Hall was charged with both manslaughter and assault with a firearm on an individual named Laudemer Arboleda.

Listed below is a factual summary of that incident:

On November 3, 2018, Laudemer Arboleda, a 33-year-old man with a history of mental illness, rang the doorbell of an address in the Town of Danville and lingered in the area for approximately 45 minutes. Concerned residents in the area called 911 to report his activity. At approximately 11:00 am, Deputies Maka and Muller responded to the scene and saw Mr. Arboleda, who matched the description of the individual, in a nearby silver Honda. Mr. Arboleda drove away from the police officers and deputies followed Mr. Arboleda in their patrol vehicle.

While driving away from the deputies, Mr. Arboleda dropped an item from his vehicle. Deputies advised over police radio that the suspect, "dropped something under the freeway." Deputies eventually returned to this location and collected a white powdery substance on the road. The white powder was subsequently tested, but came back negative for controlled substance.

Minutes into the pursuit, Deputies Maka and Muller were joined in the pursuit by Deputy Caruso in his patrol vehicle. Deputies advised over police radio that they were going to call the pursuit if the suspect kept going.

Moments later, Deputy Caruso stopped his patrol vehicle in front of Mr. Arboleda's vehicle, causing Mr. Arboleda to stop his car. Deputy Caruso exited his patrol vehicle and approached Mr. Arboleda. Deputy Caruso pointed his firearm at Mr. Arboleda; he did not discharge his firearm. Deputy Muller, who was also present for this exchange, told his partner not to shoot Mr. Arboleda.

Mr. Arboleda then continued to drive away from the deputies. Over police radio, deputies advised that they had the car at gunpoint, but the suspect drove around them. Deputies further advised over police radio that they were pursuing the suspect, at speeds of 30 miles per hour.

The slow pursuit lasted approximately 9 minutes and continued until it reached the intersection of Front Street and Diablo Road, in the City of Danville. At this time, Mr. Arboleda was being pursued from behind by Deputies Muller and Maka. Deputy Hall responded to the scene of the pursuit from a different area of Danville.

Deputy Hall pulled into the opposing lane of traffic, directly in front of Mr. Arboleda's vehicle; he stopped his patrol car at an angle facing Mr. Arboleda's vehicle. A second responding deputy, Sergeant Chris Martin, approached the same intersection moments after Deputy Hall's arrival. Sergeant Martin pulled onto the same street and stopped his car to the right of Deputy Hall's vehicle. As a result of the positioning of Deputy Hall's and Sergeant Martin's vehicles, there was approximately 10 feet between their two patrol vehicles, which was sufficient enough in size for Mr. Arboleda to drive in between their cars and continue driving away from the pursuing officers.

When Deputy Hall stopped his vehicle in front of Mr. Arboleda, he exited his car and proceeded on foot to the back of his patrol vehicle. As he did so, Deputy Hall removed his firearm from his holster and began to enter into Mr. Arboleda's only avenue to escape, as Mr. Arboleda was slowly maneuvering between the two parked patrol cars at a speed that ranged from 5 to 6 miles an hour. Deputy Hall fired at Mr. Arboleda and struck him nine times. Seven of the shots entered the driver's front windshield and two of the shots entered the right front passenger window.

After being shot repeatedly, Mr. Arboleda's vehicle accelerated and continued to drive forward until it struck a nearby car. Mr. Arboleda died as the result of his injuries.

Deputy Hall was charged with manslaughter and assault with a firearm, as well as additional enhancements. The case proceeded to jury trial and Deputy Hall was found guilty of count 2, a felony violation of PC 245 [Assault with a Firearm]. The jury was hung on count one, a violation of Penal Code 192(a) [Voluntary Manslaughter].

CONCLUSION:

In applying the law and the California District Attorney's Uniform Crime Charging Standards, there are two reasonable conclusions a juror may reach in determining whether Deputy Hall acted in lawful self defense: one that points to guilt and another that points to innocence. Under the law, a jury must adopt the interpretation that point to innocence, and as such, there is insufficient evidence to prove beyond a reasonable doubt that Deputy Andrew Hall is criminally liable for his actions in this case.

The shooting death of Tyrell Wilson permanently impacts his family and friends, our community, and the involved law enforcement personnel. The CCCDAO has thoroughly evaluated Deputy Hall's decision to use deadly force, in a manner that reflects the gravity of that authority and the serious consequences of his action. As referenced by expert opinions, CCCDAO acknowledges that de-escalation may have precluded the need for deadly force, and while Deputy Hall may have used improper tactics to confront Tyrell Wilson, the District Attorney's Office responsibility is to determine whether a law enforcement official or civilian acted unlawfully and in violation of the law. A prosecutorial decision must rest squarely on the ability to prove an offense beyond a reasonable doubt. As detailed above, after reviewing all available evidence, one reasonable conclusion points to innocence, and another reasonable conclusion points to guilt. As such, no criminal charge will be brought in this matter at this time.